

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8233 OF 2007

Suryakant Jadav of Hotel
Krishna Punjab Petitioners
Versus
State of Maharashtra
and Ors. Respondents

WRIT PETITION NO.8222 OF 2007

Tirupati Mallesh Gadarla and anr. Petitioners
Versus
State of Maharashtra
and Ors. Respondents

WRIT PETITION NO.8302 OF 2007

Harish D.Amin, Manager of M/s.
Cafe Tarzen Permit Room & Beer Bar Petitioners
Versus
State of Maharashtra
and Ors. Respondents

WRIT PETITION NO.8304 OF 2007

Divakar B.Shetty, Manager of
M/s.Hotel Rajprakash (Permit Room)....Petitioners
Versus
State of Maharashtra
and Ors. Respondents

WRIT PETITION NO.8305 OF 2007

Shri Pravin Shetty Manager of
Priyanka Restaurant (Permit Room) Petitioners
Versus
State of Maharashtra
and Ors. Respondents

P.C.Kansara, Advocate for the petitioners.

Ms.Mhaispurkar, AGP for the respondents.

CORAM: S.C.DHARMADHIKARI, J.

19.11.2007

P.C. :

1. In all these matters the request made by the Petitioner is that an order is passed by Respondent No.3 namely the Deputy Commissioner of Police, Mumbai in exercise of the powers conferred on him by the Bombay Police Act. The order that is passed is suspending the premises licence of the Petitioner.

2. The grievance of the Petitioner is that immediately upon the order being communicated an appeal was filed

with the Appellate Authority together with the stay application but neither the Appeal nor the stay application is heard and disposed off.

3. My attention is invited to orders passed in similar cases by this court.

4. Mr.Kansara, does not dispute that the orders have been passed in September/October 2007. The order of suspension of the licence has not been stayed by this court, save and except, in one matter where this court passed an order of status-quo. In such circumstances, and when the order has been communicated well in advance, I see no reason to pass any ad-interim stay as prayed by Mr.Kansara.

5. However, as the stay application is pending so also the Appeal, the Appellate Authority must endeavour to dispose off atleast the stay application in all these cases by 4.12.2007 after giving an opportunity of being heard to the petitioner.

6. The Appellate Authority may decide and dispose off the Appeal also if that course is agreed upon by the Petitioners. However, as directed above, the Appellate Authority must endeavour and dispose off the stay application by 4.12.2007 in any event.

7. Petitions disposed off accordingly with no order as to costs. All contentions of the Petitioner on merits of the matter are expressly kept open.

sd/-

(S.C.DHARMADHIKARI, J)